



Docket No.: 1137-827

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of Katsumi Tsukamoto et al.

Serial No.: 09/913,157

Filed: August 10, 2001

Group Art Unit: 2686

Examiner: Kimberly Contee

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner dated January 14, 2005 and the Advisory Action dated May 13, 2005 rejecting the following claims: 1-11.

The fee for this Notice of Appeal is \$500.00.

An extension of time is requested for two months. The required fee for this extension of time is \$450.00.

A check for \$950.00 is enclosed.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 02-2135. An additional copy of this Notice is enclosed herewith.

Respectfully submitted,

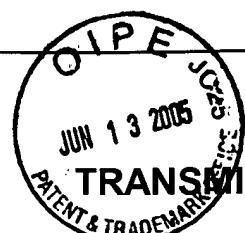
06/14/2005 SZEWDIE1 00000029 09913157

01 FC:1401

500.00 OP

By

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AF/BS
JUN 13 2005

TRANSMITTAL FORM

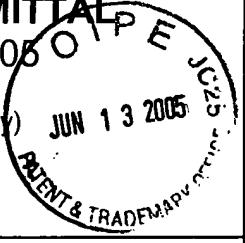
(to be used for all correspondence after initial filing)

| Complete if Known | |
|--|--------------------------|
| Application No. | 09/913,157 |
| Filing Date | August 10, 2001 |
| First Named Inventor | Katsumi TSUKAMOTO et al. |
| Group Art Unit | 2686 |
| Examiner Name | Kimberly J. Contee |
| Total Number of Pages in This Submission | 3 |
| Attorney Docket No. | 1137-827 |
| Customer No. | 6449 |
| ENCLOSURES (check all that apply) | Confirmation No. |
| 3642 | |

| | | |
|--|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers | <input type="checkbox"/> After Allowance Communication to Group |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Licensing-related Papers | <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> Response to Missing Parts/Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

REMARKS:

| | | | | |
|----------------------|-----------------------------------|--------------------------|---------------|----------------------|
| SUBMITTED BY | | Complete (if applicable) | | |
| NAME AND REG. NUMBER | George R. Repper, Reg. No. 31,414 | | | |
| SIGNATURE | | DATE | June 13, 2005 | DEPOSIT ACCT USER ID |
| | | | | 02-2135 |

| FEE TRANSMITTAL for FY 2005 (Large Entity)  | | Complete if Known | |
|---|------------------------|----------------------|--------------------------|
| | | Application Number | 09/913,157 |
| | | Filing Date | August 10, 2001 |
| | | First Named Inventor | Katsumi TSUKAMOTO et al. |
| | | Examiner Name | Kimberly J. Contee |
| | | Group Art Unit | 2686 |
| <input type="checkbox"/> Applicant claims small entity status | Attorney Docket Number | 1137-827 | |
| Total Amount of Payment | (\$950.00) | Confirmation Number | 3642 |

METHOD OF PAYMENT (check one)

1. The Commissioner is hereby authorized to charge the fees indicated below or credit overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
2. Charge any additional fee required under 37 CFR 1.16 and 1.17 to Deposit Account No. 02-2135.
3. Payment by check enclosed

FEES CALCULATION
1. FILING, SEARCH AND EXAMINATION FEES

| Code | Fee | Fee Description | Fee Paid |
|------|-----|---------------------------|----------|
| 1001 | 300 | Utility Filing Fee | [] |
| 1111 | 500 | Utility Search Fee | [] |
| 1311 | 200 | Utility Examination Fee | [] |
| 1002 | 200 | Design Filing Fee | [] |
| 1112 | 100 | Design Search Fee | [] |
| 1312 | 130 | Design Examination Fee | [] |
| 1003 | 200 | Plant Filing Fee | [] |
| 1113 | 300 | Plant Search Fee | [] |
| 1313 | 160 | Plant Examination Fee | [] |
| 1004 | 300 | Reissue Filing Fee | [] |
| 1114 | 500 | Reissue Search Filing Fee | [] |
| 1314 | 600 | Reissue Examination Fee | [] |
| 1005 | 200 | Provisional Filing Fee | [] |

SUBTOTAL \$

2. CLAIMS

| | | Extra Claims | Fee | Fee Paid |
|---------------------------|-----|-----------------|--------------|----------|
| Total Claims | [] | - 20* = [] | x \$50 = [] | |
| Independent Claims | [] | - 3* = [] | x 200 = [] | |
| Multiple Dependent Claims | | + 360 = [] | | |

*or number previously paid, if greater

SUBTOTAL \$

FEES CALCULATION (continued)

4. ADDITIONAL FEES

| Fee Code | Fee Paid | Fee Description | Fee Paid |
|-------------|-------------|--|----------|
| 1051 | 130 | Surcharge - late filing fee or oath | [] |
| 1052 | 50 | Surcharge - late provisional filing fee or cover sheet | [] |
| 1053 | 130 | Non-English specification | [] |
| 1812 | 2,520 | For filing a request for reexamination | [] |
| 1804 | 920 | Requesting publication of SIR prior to Examiner action | [] |
| 1805 | 1,840 | Requesting publication of SIR after Examiner action (reduced by basic filing fee paid) | [] |
| 1251 | 120 | Extension for reply within first month | [] |
| 1252 | 450 | Extension for reply within second month | [450.00] |
| 1253 | 1,020 | Extension for reply within third month | [] |
| 1254 | 1,590 | Extension for reply within fourth month | [] |
| 1255 | 2,160 | Extension for reply within fifth month | [] |
| 1401 | 500 | Notice of Appeal | [500.00] |
| 1402 | 500 | Filing a brief in support of an appeal | [] |
| 1403 | 1,000 | Request for Oral Hearing | [] |
| 1451 | 1,510 | Petition to institute a public use proceeding | [] |
| 1452 | 500 | Petition to revive -unavoidable | [] |
| 1453 | 1,500 | Petition to revive - unintentional | [] |
| 1807 | 50 | Processing fee under 37 CFR 1.17(q) | [] |
| 1806 | 180 | Submission of Information Disclosure Statement | [] |
| 1809 | 790 | Filing a submission after final rejection (37 CFR 1.129(a)) | [] |
| 1810 | 790 | For each additional invention to be examined (37 CFR 1.129(b)) | [] |
| 1801 | 790 | Request for Continued Examination (RCE) | [] |
| 1802 | 900 | Request for expedited examination of a design application | [] |
| 1504 | 300 | Publication fee for early, voluntary, or normal publication | [] |
| 1505 | 300 | Publication fee for republication | [] |
| 1455 | 200 | Filing application for patent term adjustment | [] |
| 1456 | 400 | Request for reinstatement of term reduced | [] |
| 1814 | 130 | Statutory Disclaimer | [] |
| | | Other fee (specify) | [] |

3. APPLICATION SIZE FEE

Total Sheets [] - 100 = []/50 = []** x \$250 =
** Number of each additional 50 or fraction thereof

SUBTOTAL \$950.00

SUBTOTAL \$

| | | | | |
|----------------------|---|--------------------------|---------------|----------------------------|
| SUBMITTED BY | | Complete (if applicable) | | |
| NAME AND REG. NUMBER | George R. Pepper, Reg. No. 31,414 | | | |
| SIGNATURE |  | DATE | June 13, 2005 | DEPOSIT ACCOUNT USER ID |